



RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2800

APC
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Mark G. Romo et al.

Appln. No.: 10/784,107

Filed : February 20, 2004

For : COMPENSATED VARIABLE OPTICAL
ATTENUATOR

Docket No.: R11.12-0837

Group Art Unit: 2874

Examiner: Song, Sarah

RESPONSE AFTER FINAL

Entry
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2006

PATENT ATTORNEY

Sir:

This is in response to the Office Action mailed on July 27, 2006. In the Office Action, claims 1-25 and 37-39 were finally rejected. With this response, no claims are amended and all claims are presented for reconsideration and allowance.

Section Three of the Office Action indicated that independent claims 1 and 12, among others, were rejected under 35 U.S.C. §102(e) as being anticipated by Bellman et al. (U.S. Patent Publication 2003/0012545 A1 - hereinafter Bellman). Applicants respectfully traverse this rejection in view of the following.

Independent claim 1 provides,

"An electrically variable optical attenuator comprising:

a pair of waveguides, each having a terminus, wherein at least one terminus is movable relative to the other terminus upon urging from an electrically driven actuator; and

a sensor disposed relative to the pair of waveguides to sense a variable that affects attenuation, and